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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,800	03/31/2004	Richard Lum	MS1-1837US	9918
22801	7590	03/19/2008		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER DHILLON, MANJOT K	
			ART UNIT	PAPER NUMBER
			3714	
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			03/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,800

Applicant(s)

LUM ET AL.

Examiner

MANJOT K. DHILLON

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 10 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's response filed on 12/26/07.

Applicant amends claims 1, 7, 14, and 19, cancels claims 8, 11 and 12. Claims 1-7, 9-10, and 13-24 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5-7, 13, 14, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson et al. (US 6279906 B1).

Concerning claims 1, 7, 14 and 19, Sanderson recites, a single multi-system video game controller for use with a plurality of different types host gaming systems that

support different USB modes, the multi-system video game controller comprising **[Abstract, column 8, lines 36-44]**: a communication interface to facilitate communication with the plurality of different types of host gaming systems **[column 8, lines 36-65]**. Sanderson teaches a USB protocol module to utilize a first USB mode during communication with a first host gaming system and a second USB mode during communication with a second host gaming system **[column 8, lines 5-65]**. A USB protocol module, operatively coupled to the processor to facilitate communication with the different host gaming systems is obvious and well known to one of ordinary skill in the art as common properties of USB. Sanderson teaches to facilitate communication and operate the controller in a first USB mode when the video game controller is connected to a first host gaming system and to facilitate communication and operate the controller in a second USB mode when the video game controller is connected to a second host gaming system **[column 6, line 35- column 7, line 12]**. Sanderson teaches the controller containing a memory operatively coupled to the processor **[column 2, line 38-column 3, line 16]**. Sanderson teaches a video game controller, comprising: means for determining which of a first host gaming system or a second host gaming system is attempting to establish a USB connection with the video game controller **[column 7, line 54-column 8, line 65]**. Sanderson teaches the physical characteristics of the connector and electrical and timing characteristics of the standard output signals from the base unit must be adapted to comply with the electrical and protocol requirements of any or all of the ports available such as USB **[column 8, lines 36-44]**. Concerning the USB protocol module is configured to automatically switch to

the first USB mode if connected to the first host gaming system and to the second USB mode if connected to the second host gaming system, depend upon the systems the controller is connected to. Sanderson teaches the controller automatically switches modes when it determines the properties of the system when it is connected, and configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**. Furthermore, Sanderson teaches the first and second host gaming systems are different types of host gaming systems **[Abstract]**. Although the controller taught by Sanderson requires an adapter to connect to different host systems using USB protocol, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the controller with the USB adapter to make a USB controller, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Concerning claim 2, Sanderson teaches the communication interface comprises an RF module to facilitate wireless communication **[column 9, lines 38-49]**.

Concerning claim 3, Sanderson teaches the communication interface comprises a serial cable to facilitate wired communication **[column 9, lines 38-49]**.

Concerning claims 5, 11, and 21, Sanderson teaches the first host gaming system comprises a console-based gaming system and the second host gaming system comprises a personal computer **[Abstract]**.

Concerning claims 6 and 18, Sanderson teaches a general-purpose controller with one or more multi-function actuators **[column 8, lines 5-51]**.

Concerning claim 13, Sanderson teaches a wireless module to support wireless communication **[column 9, lines 38-49]**; and a power source to supply power to the processor, the memory, and the wireless module **[column 4, lines 39-64]**.

Concerning claim 17, Sanderson teaches communicating with one of the first or second host gaming system over a wireless link **[column 9, lines 38-49]**.

5. Claims 4, 9-10, 15, 16, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson (US 6279906 B1) in view of Wright (7024501 B1).

Concerning claims 4, 15 and 20, Wright teaches the first USB mode is low speed USB and the second USB mode is one of full speed USB or high speed USB **[column 6, lines 4-25 and 51-61]**. Wright teaches speed tradeoffs when selecting the appropriate wireless communication channel and the type of device being connected, therefore, there are different modes of speed when connecting the controller to the host system. Sanderson teaches the controller automatically determines the properties of the system when it is connected, and configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**.

Concerning claims 9, 10 and 16, Wright teaches the USB module selects one of the first USB mode or the second USB mode when the game controller is first connected, at a time subsequent to when the game controller is connected, and automatically switches to the first or second USB mode depending upon a determination by the determining means. Sanderson teaches the controller automatically determines the properties of the system when it is connected, and

configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**. Sanderson teaches the controller automatically determines the properties of the system when it is connected, and configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**.

Concerning claim 22, Wright teaches receiving a request to identify the video game controller during initial connection **[column 5, lines 19-29]**; and ascertaining which of the first or second host gaming systems the video game controller is being connected to based upon the request **[column 5, lines 51-67 and column 6, lines 1-20]**. Furthermore, Sanderson teaches the controller automatically determines the properties of the system when it is connected, and configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**.

Concerning claim 23, Wright teaches setting the video game controller to the first USB mode; and upon determination that the video game controller is being connected for communication with the second host gaming system, automatically re-setting the video game controller to the second USB mode **[column 5, lines 36-52 and column 6, lines 4-25 and 51-61]**. Sanderson teaches the controller automatically determines the properties of the system when it is connected, and configures itself and the system to operate together **[column 6, line 35- column 7, line 12]**.

Concerning claim 24, Wright teaches one or more computer-readable media comprising computer-executable instructions **[column 6, lines 26-35]**.

It would have been obvious to combine the universal controller taught by Sanderson with the method for attaching USB peripherals as taught by Wright because

all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Response to Arguments

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANJOT K. DHILLON whose telephone number is

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(571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

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